



**TOWN AND COUNTRY PLANNING ACT 1990**

**REPRESENTATIONS TO DRAFT  
NEIGHBOURHOOD DEVELOPMENT PLAN**

**WELFORD-ON-AVON**

**MILLERS LANE**

**ON BEHALF OF ROSCONN GROUP**

**JANUARY 2015**

**REF:PJF/LS/kz/PF/9255**

## 1.0 Introduction

1.1 These representations are made by the Rosconn Group to the December 2014 – January 2015 consultation on the pre-submission consultation on the Draft Welford-on-Avon Neighbourhood Development Plan (WOANDP). The Rosconn Group has a land interest within the Neighbourhood Plan Area.

1.2 Before responding to the pre-submission consultation on the WOANDP it is first of all necessary to raise a number of fundamental concerns regarding the process that the Parish Council has been through to get to this stage.

1.3 The Localism Act 2011 and the Neighbourhood Planning Regulations 2012 set out the requirements for the preparation of Neighbourhood Plans. The advice is further expanded upon in National Planning Practice Guidance (PPG).

1.4 Regulation 14 of the 2012 Regulations requires that prior to submitting a plan to the local planning authority a pre-submission consultation and publicity must be undertaken. This Pre-Submission stage must include:

- Publicity sufficient to bring the plan to the attention of people who live, work or carry on business in the neighbourhood plan area;

- Details of the development plan proposals; and
- Details of how to inspect the plan and how to make representations.

1.5 At the outset it should be stated that the Rosconn Group consider that the current consultation on the plan does not comply with Regulation 14 of the Neighbourhood Plan Regulations and this should be addressed before the plan moves any further forward to Submission stage if it is to ultimately meet the legal requirements at Examination. The reasons for this are as follows:

- The draft plan has been inadequately consulted on or publicised. The regulations provide a minimum requirement of who should be consulted at Pre-Submission Stage and no evidence has been published to demonstrate this has been met. Assuming however that the statutory consultees have been notified, PPG states that other public bodies, landowners and the development industry should also be involved in preparing a draft neighbourhood plan, and that by doing so qualifying bodies will be better placed to produce plans that provide for sustainable development. PPG notes that at submission stage the Parish Council will have to demonstrate that quality and effective consultation has been undertaken. The Parish Council has made no attempt to consult with the Rosconn Group in preparing the draft plan. Furthermore no direct notification was issued to advise the Rosconn Group of the current consultation.

- Furthermore, it is very unclear from the Parish council's web site on what documents have been consulted on and when consultation has been undertaken. Appendix F – in the WOANDP sets out the Community and Interest Group Involvement Record, however, there is not a corresponding record on the Parish Council's web site of the documents/information referred to. Options have therefore been discussed at community events and in particular at the Steering Committee, but they have not been properly consulted upon and the WOANDP is now being promoted without any genuine effort of engagement with all stakeholders.

1.6 In view of the above it is considered that Parish Council should review its processes to date and undertake a properly compliant process of consultation and site assessment including all stakeholders before moving the plan forward. It should then prepare a new much clearer and complete Pre-Submission Consultation plan and advertise it for consultation in a more transparent and fully compliant way.

1.7 With regard to the content of the draft Planning Policies section, the Localism Act and the Regulations further require that neighbourhood plans meet a number of 'basic conditions'. These are explained further in the PPG. The key basic conditions are summarised as:

- To have regard to NPPF - the Plan must not constrain the delivery of important national objectives, should plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies.
  
- To contribute to sustainable development – including provision of sufficient and proportionate evidence on how the plan guides development to sustainable solutions. Consideration should be given to the use of a sustainability appraisal.
  
- To conform with the strategic policies of the Local Plan - PPG notes however that where there is no up to date Local Plan (as is the case in Stratford on Avon), a draft Neighbourhood Plan is not to be tested against the policies of the emerging plan, although the evidence base behind it may be relevant. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and local planning authority should however discuss and aim to agree the relationship between the two emerging documents and seek to minimise any conflicts.

1.8 PPG makes clear that throughout the process of developing a neighbourhood plan a qualifying body should consider how it will meet the basic conditions.

1.9 The NPPF contains at its core the presumption in favour of sustainable development and a requirement to significantly boost housing. Paragraphs 16 and 184 of NPPF make clear that the application of the presumption in favour has implications for how communities engage in neighbourhood planning. Critically, it means that neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; and
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.

1.10 It is within the context of these basic conditions set by the Regulations that we now turn to consider the draft Planning Policy section.

## 2.0 REPRESENTATIONS TO PLANNING POLICIES

**Policy HE6: Open countryside will be protected. Any development outside the physical confines of the settlement (or built up area boundary when defined) will be refused unless:**

- 1. it is on a brownfield site where the benefits of the development demonstrably outweigh the harm to the countryside, or**
- 2. the development meets one of the categories defined in SDC's Core Strategy Policy AS.10 sub-sections d to v which relate to allowable development in the countryside**

### **Representation: Object**

- 2.1 The Rosconn Group object to the proposed 'physical confines' boundary for Welford-on-Avon (Figure 6, page 18). This is far too restrictive and tightly drawn and only allows for the development on sites which already benefit from planning permission.
- 2.2 It does not promote sustainable development, but rather seeks to completely restrict options for future growth. Options to provide for future housing needs should be

considered and this should include the consideration of land outside the settlement boundary.

2.3 It is not the place for a Neighbourhood Plan to provide a blanket embargo on development outside settlement boundaries with very limited exceptions. This policy does not accord with local or national policy in meeting aims for providing sustainable development. It is considered therefore that this policy does not satisfy the basic conditions as it does not have appropriate regard to national policy and does not contribute to the aim of achieving sustainable development.

2.4 The policy as currently drafted is far too narrow and restrictive. Within the plan period there may be a need to identify additional housing sites to assist in meeting the District's needs and this would not be possible if the current draft policy was adopted. The Policy should bring some flexibility into the plan and allow additional growth in appropriate sustainable locations.

2.5 Furthermore, the emerging Stratford District Council Core Strategy is the subject of substantial objection, in particular with regard to housing requirements and site selection and therefore in the absence of an up to date adopted Local Plan, the Parish Council should consider all the evidence base available to it, assess all the available development options, and then 'plan positively' to support sustainable development.



The Parish Council is evidently not following this process. This is clearly an approach that is contrary to the responsibility that the Localism Act provided to local communities as set out in NPPF paragraph 14.

- 2.6 It is important to note that PPG advises where a Neighbourhood Plan is being promoted ahead of a Local Plan, it is not to be solely tested against the policies of the emerging plan, but the Local Plan evidence base documents may be useful, and importantly, discussion with the planning authority is strongly recommended. The draft policy has not taken into account the evidence base to the emerging Core Strategy which includes a Strategic Housing Land Availability Assessment (SHLAA), produced in 2012. The SHLAA assesses potential development sites for their suitability, availability and deliverability and was undertaken by an independent consultant, Peter Brett Associates in 2012. The Rosconn Group site is identified as a “*broad location for further growth around the settlement*” of note, the SHLAA identifies no-previously developed sites within the settlement.
- 2.7 It is our opinion that the policy should be used to promote or at least allow further sustainable development to be delivered in accordance with housing needs.
- 2.8 In this regard the Rosconn Group puts forward that the physical confines boundary is amended and the Millers Close site is included within the physical confines.

2.9 The site is at land at Millers Close (as shown on the plan provided) is considered highly suitable for residential development. It comprises a large area of greenhouses located immediately adjacent to the village. It is not located within the Green Belt, the Area of Restraint, the Village Conservation Area and is not affected by any landscape designations. It has no technical constraints such as flood plain, archaeology or ground conditions and is available for development. The site immediately adjoins the existing built up part Welford on Avon and is within walking distance of all local facilities, including the primary school. An outline planning application has been submitted on the site for *“the erection of up to 30 residential dwellings with associated access infrastructure and involving the demolition of existing glasshouses and outbuilding.”* (ref. 14/02810/OUT).

2.10 The Rosconn Group therefore submits that the ‘Physical Confines’ as set out in Figure 6, page 18 on the WOANDP are amended to include the site.

**INF2. Development will only be supported if it does not adversely impact the core infrastructure services delivered to existing, neighbouring properties at any time.**

**Representation: Object**

2.11 Policy INF2 is entirely unnecessary, planning applications for major development will need to be submitted with a suite of planning application documents including Flood Risk Assessments and Utilities Statements. The planning application will then be assessed by Statutory Consultees to assess impact on infrastructure. It will therefore be for the District Council and its statutory consultees to assess whether the development impacts on core infrastructure services and it is therefore considered that this policy should be deleted.

**INF3: Development will only be supported if there are adequate primary school places at schools accessible within 6 miles or readily accessed by scheduled public transport.**

**Representation: Object**

2.12. This policy is far too restrictive and would be impossible to implement. Warwickshire County Council will be consulted on any application for development and it is for the County Council to determine the impact of proposed development on school places and then request mitigation if required.

2.13 Both the adopted Local Plan and emerging Core Strategy policies contain policies to mitigate the impact of development through planning obligations. Draft Core Strategy

Policy CS.26 Developer Contributions (which the Parish Council fail to mention) states:

*“The Council will introduce a Community Infrastructure Levy (CIL) to fund infrastructure and community facilities necessary to accommodate growth and to mitigate cumulative impacts. Affordable housing and local infrastructure, including facilities and services that are essential for development to take place on individual sites, or which are needed to mitigate the impact of development at the site or neighbourhood level, will be secured through planning obligations (Section 106 and Section 278 agreements).”*

2.14 Furthermore, the policy is also not supported by any evidence, the 6 miles distance is entirely arbitrary.

**HLU1. A development proposal that would result in the construction within Welford-on-Avon of more than the Upper Level of new homes in the plan period will only be supported in exceptional circumstances.**

**The Upper Level is defined in the Foreword to this document.**

**Representation: Object**

**HLU2. Development will be supported if it is phased in line with the SDC Local Plan.**

**Representation: Object**

2.15 As stated above, the emerging Core Strategy is the subject of substantial objection, in particular with regard to housing requirements, site selection, and the level of housing proposed for the local service village. Therefore in the absence of an up to date adopted Local Plan, the Parish Council should consider all the evidence base available to it, assess all the available development options, and then ‘plan positively’ to support sustainable development. The Parish Council is evidently not following this process and policy HLU1 should be deleted. This is clearly an approach that is contrary to the responsibility that the Localism Act provided to local communities as set out in NPPF paragraph 14.

2.16 Furthermore, the draft policy refers to “...*new homes in the plan period will only be supported in exceptional circumstances*”. These exceptional circumstances are not defined and this is not in accordance with the PPG which states (Paragraph: 041 Reference ID: 41-041-20140306): “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.*”

**HLU5. The Market Housing component of all new developments must include a mix of housing types broadly consistent with the evidence from the Community Survey which requires:**

**5% - one bedroom**

**40% - two bedroom**

**40% - three bedroom**

**15% - four bedroom or larger.**

**Development of accommodation (including the building of bungalows) which meets the needs of the elderly and disabled will be strongly supported**

**Representation: Object**

2.17 The Rosconn Group consider that the proposed mix and wording of the draft policy are overly prescriptive. It would be preferable to have an indicative mix having regards to the latest Strategic Housing Market Assessment.

**HLU6. Developments will only be supported which are of a small scale. For the purpose of the Welford Plan, 'small scale' is defined as less than 3% of the existing housing stock of the settlement. Developments larger than this will not be supported.**

**Where an application site is in close proximity to another site(s) where, during the Plan Period, permission has been granted or for which an application has been made, the aggregate number of houses on all sites must not exceed the definition of ‘small scale’.**

**Representation: Object**

- 2.18 The Parish Council’s web site states that the settlement currently contains 600 homes, therefore ‘less than 3%’ is the equivalent of 18 homes or below.
- 2.19 Again, this policy is unduly restrictive and each site should be considered on its merits. The Parish Council itself have recently supported developments which have which have proposed number of units in excess of the 3% limit, namely at the Flogas/Station works (application ref. 14/01391/OUT) site for 24 dwellings and at the Cala/Ashgrove (application ref. 13/01918/FUL) site for 20 dwellings.
- 2.20 The 3% target is also completely arbitrary and no explanation of how the 3% target has been arrived has been provided. It is noted that the Parish Council’s justification for this policy refers to the supporting text of draft policy CS.16 of the draft Core Strategy February 2012 which states that in order “*to preserve the character of Local Service Villages, estate sizes should be no more than 2% of the existing housing stock.*”. This explanatory text to CS.16 has not been carried through the Core Strategy Proposed Submission Version (9 June 2014) presumably because the District Council

responded to representations to the wording that the 2% limit would be totally illogical.

**HLU9. Developments on the periphery of the village will be refused unless they provide a sensitive transition from agricultural to residential land use in terms of property density, height and boundary treatment.**

**Such development proposals will be designed to complement and enhance the relevant landscape characteristics of the locality through:**

- **Locating structures where they will be viewed against existing built form;**
- **Retaining the proportion and scale of built structures and the space between them;**
- **Referring to the built vernacular of the neighbourhood area;**
- **Conserving and restoring traditional boundary treatments;**
- **Using appropriate plant species in a comprehensive landscape scheme with appropriate boundary treatments to integrate with the rural character.**



### **Representation: Object**

- 2.21 The wording of this draft policy is unduly restrictive with regards to density. To achieve sustainable development on a site, development should comprise the efficient use of land and therefore should not be of too low a density and the policy wording should reflect this.